

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

FREDRICK VANCE

PLAINTIFF

v.

No. 4:06CV129-P-D

ROBERT BENFORD, ET AL., ET AL.

DEFENDANTS

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated January 18, 2007, was on that date duly served by mail upon the *pro se* plaintiff at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated January 18, 2007, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That the plaintiff's claims against defendants Lawrence Kelly and Christopher Epps are hereby **DISMISSED** with prejudice for failure to state a constitutional claim.

3. That the plaintiff's claims against the remaining defendants shall proceed.

THIS, the 20th day of February, 2007.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE